

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 29, 2006 ("Office Action"). In the Office Action, Claims 1-3 and 5-37 are pending and rejected. Claims 7, 30, and 32 have been amended. Claims 9, 31, and 34 have been cancelled. Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

The Office Action rejects Claims 1-8, 10-16, 32-33, and 35-36 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,799,273 issued to Mitchell et al. ("*Mitchell*") in view of U.S. Patent Application Publication No. 2005/0038657 issued to Roth et al. ("*Roth*"). The Office Action also rejects Claims 9, 17-31, 34, and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Mitchell* in view of U.S. Patent No. 6,068,487 issued to Dionne ("*Dionne*") and further in view of U.S. Patent No. 6,424,357 issued to Frulla et al. ("*Frulla*"). Applicants respectfully traverse these rejections for the reasons described below.

Claim 10

Claim 10 is allowable also at least because *Mitchell* does not teach or suggest "converting the plurality of textual words to a plurality of audible words, **each audible word comprising media stream packets**" as recited in Claim 10. The Examiner concedes that *Mitchell* does not disclose this limitation. See *Office Action*, Page 6. Further, the Examiner does not allege that any of the cited references disclose using media stream packets, nor does the Examiner allege that it would be obvious to modify *Mitchell* to use media stream packets. In fact, after conceding that *Mitchell* does not disclose this limitation, the Office Action is silent as to how the cited references teach or suggest using media stream packets.

For at least this reason, Claim 10, as amended, is allowable as are all the claims depending therefrom. In addition, Claim 15 is allowable for analogous reasons, as are the claims depending therefrom. Further, Applicants note that any future rejection of these claims on new grounds would have to occur in a non-final Office Action. See M.P.E.P. § 706.07(a).

Claim 7

Claim 7, as amended, is allowable also at least because the cited references do not teach or suggest “receiving a voice command from a user to spell the audible word” as recited in amended Claim 7. The Office Action concedes that *Mitchell* and *Dionne* do not disclose input of voice commands. *See Office Action*, Page 8. Instead, the Office Action relies on *Frulla* to teach input of voice commands. However, *Frulla* is limited to implementing simple computer mouse functions using voice commands, such as moving a cursor. *See Frulla*, Column 4, lines 57-64. The cited references, therefore, do not teach or suggest “receiving a voice command from a user to spell the audible word.”

For at least this reason, Claim 7, as amended, is allowable as are all the claims depending therefrom. In addition, Claims 18, 22, 26, 30, 32, and 37 are allowable for analogous reasons, as are the claims depending therefrom. Favorable action is requested.

Claim 1

Claim 1 is allowable at least because the cited references do not teach or suggest “storing information relating each audible word to a corresponding textual word, wherein the information comprises **a plurality of electronic markers embedded in the audio file**” (emphasis added) as recited in Claim 1. The Office Action concedes that *Mitchell* does not disclose this limitation. *See Office Action*, Page 2. Instead, the Examiner alleges that “it would have been obvious to one of ordinary skill at the time of the invention to provide for the electronic marker embedded in the audio file . . . so as to aid the user in reviewing the text as the audio is input,” but this is incorrect. Applicants respectfully submit that the Examiner’s summary conclusion amounts to mere speculation and does not provide the suggestion or motivation necessary to make the proposed modification.¹ The Examiner has not pointed to any portions of the cited references that would teach, suggest, or motivate one of ordinary skill in the art at the time of the invention to incorporate the electronic markers in the audio file of *Mitchell*. Applicants submit that it would not have been obvious to one of ordinary skill in the art at the time of the invention to even attempt to, let alone to actually, modify *Mitchell* with the electronic markers in the audio file. *Mitchell* is limited to a speech recognition engine that is

¹ If the Examiner is relying on “common knowledge” or “well known” art in support of his rationale for modifying *Mitchell*, the Examiner is requested to produce a reference in support of his position pursuant to M.P.E.P. § 2144.03. If the Examiner is relying on personal knowledge to supply the required motivation or suggestion to modify *Mitchell*, Applicants respectfully request that the Examiner produce an affidavit supporting such facts pursuant to M.P.E.P. § 2144.03.

used in data processing. *See Mitchell*, Column 1, lines 8-10. The principle and purpose of the speech recognition engine disclosed in *Mitchell* is to replay audio files to help a user perform proofreading functions. *See Mitchell*, Column 1, lines 59-67. *Mitchell*, however, in no way provides any suggestion as to how including electronic markers in the audio files would be advantageous in performing proofreading functions.

In addition, *Mitchell* is already capable of storing audio start points and audio end points in a separate table to facilitate the retrieval and playback of a certain audio segment. *See Mitchell*, Figure 3, Figure 4, and column 6, lines 55-59. Thus, including electronic markers in the audio file would be superfluous. Accordingly, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to modify *Mitchell* as suggested by the Office Action.

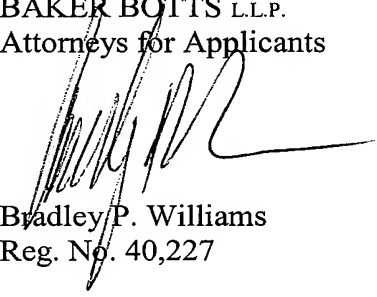
For at least this reason, Claim 1 is allowable as are all the claims depending therefrom. In addition, Claim 35 is allowable for analogous reasons, as are the claims depending therefrom. Favorable action is requested.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brad P. Williams, Attorney for Applicants, at the Examiner's convenience at (214) 953-6447.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. **02-0384** of **Baker Botts L.L.P.**

Respectfully submitted,
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